IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants   :   Patrick Thomas Greer et al.

Application No.   :   09/788,628

Filed   :   February 14, 2001

For   :   METHOD AND APPARATUS FOR ACCESSING PRODUCT
                          INFORMATION USING BAR CODE DATA

Examiner	:	Thanh T. Nguyen
Art Unit	:	2144
Docket No.	:	480062.777
Date	:	September 19, 2007

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Commissioner for Patents:

       This brief is in furtherance of the Notice of Appeal, filed in this case on July 19, 2007, and the Advisory Action, mailed on August 29, 2007. The fees required under Section 1.17(c), and any required request for extension of time for filing this brief and fees therefore, are dealt with in the accompanying transmittal letter.

I.   REAL PARTY IN INTEREST

       Intermec IP Corp. is the assignee of the present application and is the real party in interest.

II.   RELATED APPEALS AND INTERFERENCES

       None.

III.   STATUS OF CLAIMS

Claims 18 and 31-56 are pending and claims 1-17 and 19-30 are canceled. Claims 18 and 31-56 were rejected in the Final Office Action mailed April 19, 2007. The rejection of claims 18 and 31-56 was maintained in the Advisory Action mailed August 29, 2007. The rejection of claims 18 and 31-56 is appealed.

IV.   STATUS OF AMENDMENTS

An amendment to claims 36 and 37 was filed subsequently to the Final Office Action mailed April 19, 2007. The amendments were entered as noted in the Advisory Action mailed August 29, 2007. Applicant amends claim 48 herewith by separate Amendment under 37 CFR 41.33.
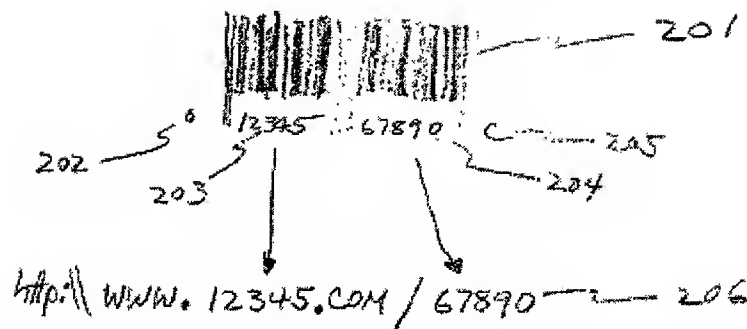
V.   SUMMARY OF CLAIMED SUBJECT MATTER

The following Summary discusses the subject matter of the independent appealed claims along with references to portions of the specification and drawings that provide support for the claims. The references are provided for exemplary purposes and are not intended to restrict the scope of the claims to the particular embodiments corresponding to the references provided. References to the specification are made to U.S. publication US 2002/0165931 A1 using the paragraph numbering of the published application.

The embodiments relate to rapid access to product and company information which may be provided via an Internet connection. Embodiments use a reader that reads bar code information encoding a Uniform Commercial Code (UCC) company identifier. A Uniform Resource Locator (URL) is constructed based upon the UCC company identifier. (See U.S. Pub. 2002/0165931, paragraphs 11, 30, and 37).

Figure 2, illustrated below, shows how an embodiment constructs the URL (http://www.12345.com/) from bar code information. The bar code information includes the UCC company identifier. A UCC company identifier is a numeric identifier (hypothetically illustrated as "12345") assigned to the company as part of the UCC process of identifying companies and products (paragraph 37).

FIGURE 2

In another embodiment, the numerical sequence of the bar code information, which in part includes the numerical UCC company identifier, may be used to construct the URL. For example, the exemplary UPC symbol of Figure 2 having the numerals "0 12345 67890" could be used to construct a URL reading "http//0123456789.com" (paragraph 33).

Using the product identifier, an embodiment may further construct the URL (http://www.12345.com/67890) to include a numeric UCC product identifier ("67890") such that the device may be directed to the product information at the web site (http://www.12345.com /67890) created from the UCC company identifier (paragraph 37).

Figure 2 illustrates the UPC symbol as a bar code type symbol. Some embodiments scan the UPC symbol (see paragraph 40). In other embodiments, the UCC symbol information may be received as magnetically- or electrically-encoded information from a different type of symbol (paragraph 14). In at least one embodiment, a radio frequency identification (RFID) interrogator receives the UCC symbol information wirelessly (paragraph 14).

The following shows exemplary independent claims 18, 35, 48, and 50 with reference numerals illustrated in Figure 2 noted in brackets. The reference numerals are exemplary only and are not intended to limit the claims. Figure 2 is discussed at paragraph 37.

18. A method of accessing data, comprising:

reading a radio frequency (RF) tag containing data corresponding to a bar code [201], wherein the bar code [201] comprises a first portion corresponding to a Uniform Code

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Council (UCC) company identifier [203] and a second portion corresponding to a UCC item identifier [204];

constructing a uniform resource locator (URL) [206] from the data read from the RF tag corresponding to the bar code [201], wherein a portion of said URL [206] comprises the UCC company identifier [203] and the UCC item identifier [204];

calling the URL [206]; and

displaying information associated with said URL [206], and

wherein said "company identifier" comprises a number assigned by the UCC and said "item identifier" comprises a number assigned by a manufacturer.

35.   A method of accessing data, comprising:

receiving bar code information [201] encoding a Uniform Code Council (UCC) company identifier [203] and a UCC item identifier [204]; and

constructing a uniform resource locator (URL) [206] from the received bar code information [201], wherein at least a portion of the URL comprises the UCC company identifier [203] and the UCC item identifier [204] constructed as at least a "www" followed by at least the UCC company identifier [203] and the UCC item identifier [204].

48.   A method of accessing data, comprising:

receiving a uniform resource locator (URL) call to access a manufacturer site that includes information pertaining to an item of interest, wherein the URL [206] of the manufacturer site uses a Uniform Code Council (UCC) company identifier [203] as the domain and uses an item identifier [204] to identify the item of interest; and

returning the information of interest to a site that initiated the URL call.

50.   A method of accessing data, comprising:

receiving bar code information [201] with at least a Uniform Code Council (UCC) company identifier [203] and an item identifier [204];

determining the UCC company identifier [203] from the bar code information; and

constructing a uniform resource locator (URL) [206] with the UCC company identifier [203] therein.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 35-56 stand rejected under 35 U.S.C. § 102(e) as anticipated by *Cragun et al.* (U.S. Patent 5,804,803), hereinafter *Cragun*. Claims 18 and 31-34 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Cragun* in view of *Nerlikar* (U.S. Patent 5,629,981), hereinafter *Nerlikar*.

VII.   ARGUMENT

A.   Burden in Establishing a Proper Rejection

Under 35 U.S.C. § 102, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Here, the Examiner has failed to establish a *prima facie* case of anticipation for claims 35-56. The Examiner erred in asserting that *Cragun* teaches or enables each of the claimed elements, either expressly or inherently, as interpreted by one of ordinary skill in the art.

Furthermore, the Examiner initially bears the burden of establishing a *prima facie* case of obviousness. *In re Bell*, 26 U.S.P.Q.2d 1529 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984); MPEP § 2142. An Applicant may attack an obviousness rejection by showing that the Examiner has failed to properly establish a *prima facie* case or by presenting evidence tending to support a conclusion of non-obviousness. *In re Fritch*, 972 F.2d at 1265.

In order for an examiner to establish a *prima facie* case that an invention, as defined by a claim at issue, is obvious the examiner must: (1) show some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings; (2) there

must be a reasonable expectation of success; and (3) the prior art reference (or the combined references) must teach or suggest all the claim limitations. *See In re Thrift and Hemphill*, 298 F.3d 1357, 1366 (Fed. Cir. 2002); MPEP § 2142. The recent U.S. Supreme Court case, *KSR Int'l Co. v. Teleflex, Inc.*, does not change the requirement for an examiner to provide such evidence of motivation. 127 U.S. 1727, 1740-41 (2007). "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure." MPEP § 2143. The level of skill in the art cannot be relied upon to provide the suggestion to combine the references. MPEP § 2143.01 (citing *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 U.S.P.Q.2d 1161 (Fed. Cir. 1999). The mere fact that the references <u>can</u> be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP § 2143.01 (citing *In re Mills*, 916 F.2d 680, 16 U.S.P.Q. 2d 1430 (Fed. Cir. 1990).

Moreover, a reference must be viewed as a whole, including portions that would lead away from the claimed invention. MPEP § 2141.03 (citing *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983). If the proposed modification would change the principles of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. MPEP § 2143.01 (citing *In re Ratti*, 270 F.2d 810, 123 U.S.P.Q. 349 (CCPA 1959)).

Here, the Examiner has failed to establish a *prima facie* case of obviousness for claims 18 and 31-34. The Examiner erred in asserting that *Cragun* teaches or enables each of the claimed elements, either expressly or inherently, as interpreted by one of ordinary skill in the art.
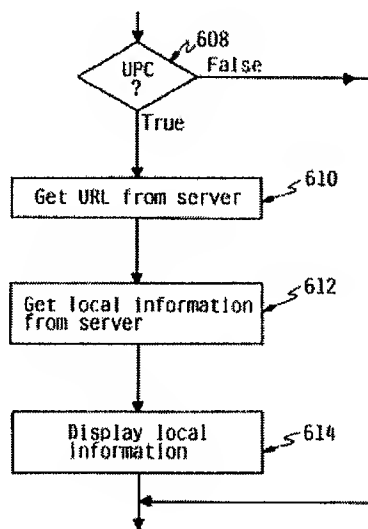
B.   *Cragun* Overview

Cragun Figure 3 below illustrates information that may be used to access a URL from a database.

UPC	Product Name	Unit Price	URL Information	...
12345-67890	Yummy Chicken Soup	$0.65	http://yummy.corp.com/??LANGUAGE??	...
23456-78901	Sweet Powdered Sugar	$2.09	%H04125D6F/LGQK	...
34567-89012	Peanut Butter	$3.79	http://peanut.food.com/??CID??&??SID??&??SIP??	...
:	:	:	:	:

Cragun discloses that the information illustrated in Figure 3 resides in product database 136 (Figure 1B). The product data base 136, which is keyed on the UPC number, contains a variety of information, including a URL string (Column 7, lines 27-47). *Cragun* apparently appreciates that the UPC code in column 310 is a numeric identifier, as illustrated in column 310 of Figure 3.

As illustrated in the portion of *Cragun* Figure 6 below, when information corresponding to a UPC code is retrieved, the *Cragun* system requests URL information stored in the product database 136 using the UPC code as an index (column 8, lines 22-27).
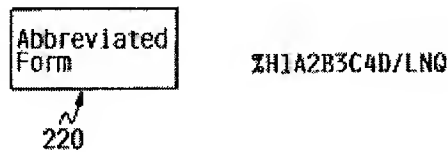

Cragun does disclose a system where "the client computer scans the object of interest and translates the code into a URL (Uniform Resource Locator) that specifies both a server computer and the location within the server of information that is relevant to the object" (Abstract and column 2, lines 48-54). However, the "translation" done by *Cragun* is quite different from embodiments which construct the URL using the "UCC company identifier."

Cragun discloses that the "URL is represented in three possible forms: abbreviated form 220, expanded form 230, or data-filled form 240. Either abbreviated form 220 or expanded form 230 could be encoded on object 115, depending on the space available in code 117" (column 5, line 66, to column 6, line 3). However, the disclosed three URL forms in *Cragun* are quite different from "construction" of the URL by the various embodiments of the present invention.
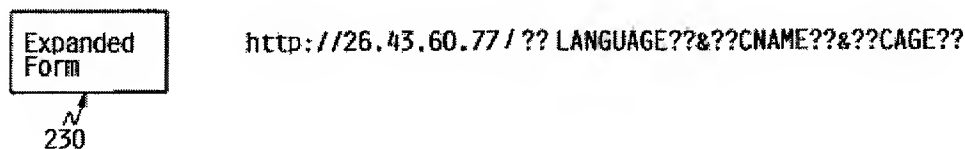
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C. *Cragun* Abbreviated Form

The abbreviated form 220 is illustrated in the uppermost portion of *Cragun* Figure 2, shown below.

```
Abbreviated
Form            %H1A2B3C4D/LNQ
   ⤵
  220
```

With respect to the abbreviated form 220, *Cragun* discloses that "a modal character (percent sign '%' in the preferred embodiment) indicates that the following information is abbreviated by tokens. In the example of FIG. 2, the 'H' is an abbreviation for 'http://', the first eight hexadecimal digits *are converted by processing program 110* to a 32-bit number which represents the Internet Protocol (IP) Address, the '/' is the slash literal, the letter 'L' represents a query about the preferred language of the customer, the letter 'N' represents a query about the customer's name, and the letter 'Q' represents a query about the customer's age. A list of the abbreviations used in the preferred embodiment for abbreviated form 220 and *their mapping by processing program 110 to expanded form 230* are further described in FIG. 4" (column 5, lines 8-20, emphasis added). The exemplary abbreviated form 220 is illustrated with a textual string of "%H1A2B3C4D/LNQ" in Figure 2. Clearly, the abbreviated form of the IP address does not have the recited URL having a UCC company identifier.

D. *Cragun* Expanded Form

The expanded form 230 is also illustrated in the *Cragun* Figure 2, shown below.

```
Expanded        http://26.43.60.77/ ?? LANGUAGE??&??CNAME??&??CAGE??
Form
   ⤵
  230
```

With respect to the expanded form 230, *Cragun* discloses that "if expanded form 230 does not have query fields, then expanded form 230 is in the standard URL format" (column

6, lines 39-41). As illustrated in Figure 2, the IP address "26.43.60.77" is part of the URL used by the expanded form 230. However, the illustrated exemplary expanded form of the IP address "26.43.60.77" does not have the recited URL having a UCC company identifier.

E.   *Cragun* **Data-filled Form**

The data-filled form 240 is illustrated in the central and lower portion of *Cragun* Figure 2, shown below.

Data-filled Form 240

http://26.43.60.77/LANGUAGE=Spanish&CNAME=Smith,+John&CAGE=47

Customer Data Record   108

Field	Value	Formula
CID	132435	
LANGUAGE	Spanish	
CAGE		CurrentDate-CBIRTH
CBIRTH	Feb 16, 1947	
CNAME	Smith, John	
:	:	

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With respect to the data-filled form 240, *Cragun* discloses that "program 110 fills in expanded form 230 with data to create data-filled form 240" (column 6, lines 47-48). As illustrated in Figure 2, the IP address "26.43.60.77" is part of the URL used by the data-filled form 240. However, the data filled form of the IP address does not have the recited URL having a UCC company identifier.

F.   *Cragun* **Domain Names**

Cragun does disclose the examples of URLs, such as "yummy.corp.com" or "peanut.food.com" illustrated in column 325 of *Cragun* Figure 3 below.

UPC	Product Name	Unit Price	URL Information	...
12345-67890	Yummy Chicken Soup	$0.65	http://yummy.corp.com/??LANGUAGE??	...
23456-78901	Sweet Powdered Sugar	$2.09	XH04125D6F/LGQK	...
34567-89012	Peanut Butter	$3.79	http://peanut.food.com/??CID??&??SID??&??SIP??	...
:	:	:	:	:

310, 315, 320, Product Database, 325, 136

Cragun "shows a data structure that depicts an example of product database 136 at local server 122. ... Product database 136 is keyed on UPC number and contains a variety of information including product name 315, unit price 320, and URL information 325, which can be used to provide information about the product. URL information 325 can either be in abbreviated form 220 or expanded form 230, as explained above under the description for FIG. 2" (column 7, lines 27-39). However, the illustrated URL information does not have the recited UCC company identifier.

G. The Final Office Action's Misinterpretation of *Cragun*

The Final Office Action at paragraph 5, page 2, alleges that "Cragun teaches ... receiving bar code information encoding a UCC company identifier and a Uniform Code Council (UCC) item identifier [see Cragun col. 3, lines 58-61, customer identifier ID]; and constructing a Uniform resource locator (URL) from the received bar code information, wherein at least a portion of the URL comprises the UCC company identifier and the UCC item identifier constructed as at least a 'www' (http) followed by at least the UCC company identifier (UPC 310 or yummy.corp.com) and the UCC item identifier (CID) [see Cragun fig. 3, 34567-89012...http// peanut.food.com/??CID??&??SIP??, col. 7, lines 27-47]." The Final Office Action's interpretation of *Cragun* is in error for at least the following reasons.

"UPC 310" is a column of exemplary UPC numbers encoded in a UPC symbol. In *Cragun* Figure 3, three exemplary UPC numbers are illustrated (12345-67890; 23456-78901; and 34567-89012). However, Cragun is not disclosing that the UPC numbers in column "UPC 310" are URLs. Rather, the URL information is illustrated in column 325 of *Cragun* Figure 3.

In the first example illustrated in *Cragun* Figure 3, the URL "http://yummy.corp.com/??LANGUAGE??" is associated with the UPC number 12345-67890.

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The phrase "yummy.corp.com" does not have a UCC company identifier therein as alleged by the Final Office Action. Clearly, the phrase "yummy.corp.com" does not constitute a UCC company identifier. Accordingly, the illustrated URL information "http://yummy.corp.com/ ??LANGUAGE??" does not include the recited UCC company identifier (*e.g.*: 12345) or the UCC item identifier (*e.g.*: 67890), as alleged by the Final Office Action.

In the second example illustrated in *Cragun* Figure 3, the URL "%H04125D6F/LGQK" is associated with the UPC number 23456-78901. The phrase "H04125D6F/LGQK" does not have a UCC company identifier therein as alleged by the Final Office Action. Clearly, the phrase "H04125D6F/LGQK" does not constitute a UCC company identifier. Accordingly, the illustrated URL information "%H04125D6F/LGQK" does not include the recited UCC company identifier (*e.g.*: 23456) or the UCC item identifier (*e.g.*: 78901).

In the third example illustrated in *Cragun* Figure 3, the URL "http://peanut.food.com/??CID??&??SID??&??SIP??" is associated with the UPC number 34567-89012. As noted above, the phrase "peanut.food.com" does not have a UCC company identifier therein as alleged by the Final Office Action. Clearly, the phrase "yummy.corp.com" does not constitute a UCC company identifier. Accordingly, the illustrated URL information "http://peanut.food.com/??CID??&??SID??& ??SIP??" does not include the recited UCC company identifier (*e.g.*: 34567) or the UCC item identifier (*e.g.*: 89012), as alleged by the Final Office Action.

The Final Office Action alleges that in the third example illustrated in *Cragun* Figure 3, the term "??CID??" is the UCC *company identifier*. However, this allegation is not supported in *Cragun*. To the contrary, *Cragun* at column 3, lines 58-61, discloses that "scanning device 118 is capable of reading code 117 from object 115 and *customer identifier* (CID) 210 from customer card 119" (emphasis added). Clearly, the term "??CID??" does not refer to a company identifier as alleged in error by the Final Office Action. *Cragun* discloses that the term "??CID??" is a *customer* identifier.

Of additional note, the meaning of the terms "??SID??" or "??SIP??" illustrated in *Cragun* Figure 3 is not disclosed in the *Cragun* Specification. Therefore, the meaning of these terms in the absence of any express disclosure in *Cragun* would have to be inferred or assumed.

Official notice of facts not in the record or an allegation of inherency, neither of which are made in the Final Office Action, would be required to properly infer any meaning for the terms "??SID??" or "??SIP??".

H. *Nerlikar* As a Secondary Reference

Nerlikar fails to disclose, teach, or suggest constructing a uniform resource locator (URL) from the data read from the RF tag corresponding to the bar code, wherein a portion of said URL comprises the UCC company identifier ... wherein said 'company identifier' comprises a number assigned by the UCC. *Nerlikar* is limited to disclosing radio frequency (RF) tags and readers. *Nerlikar* is entirely silent about UCC company identifiers. Therefore, *Nerlikar* can not cure the above-described deficiencies in the *Cragun* disclosure.

I. *Cragun* Does Not Anticipate or Render Obvious Pending Independent Claims 18, 35, 48 and 50

a. Claim 18

Since *Nerlikar* is limited to disclosing RF tags and readers, the proposed combination of *Cragun* and *Nerlikar* does not render obvious claim 18 because the proposed combination of *Cragun* and *Nerlikar* does not construct "a uniform resource locator (URL) from the data read from the RF tag corresponding to the bar code, wherein a portion of said URL comprises the UCC company identifier and the UCC item identifier ... wherein said 'company identifier' comprises a number assigned by the UCC and said 'item identifier' comprises a number assigned by a manufacturer" as recited in claim 18. For the reasons noted above, *Cragun* does not include any disclosure of using the UCC company identifier to construct a portion of a URL. Accordingly, a *prima facie* case establishing an obviousness rejection by *Cragun* in view of *Nerlikar* has not been made. Thus, claim 18 is not obvious under proposed combination of *Cragun* in view of *Nerlikar* and the rejection should be withdrawn.

b. Claim 35

Cragun does not anticipate independent claim 35 because *Cragun* does not construct "a uniform resource locator (URL) from the received bar code information, wherein at

least a portion of the URL comprises the UCC company identifier and the UCC item identifier constructed as at least a 'www' followed by at least the UCC company identifier and the UCC item identifier" as recited in claim 35. For the reasons noted above, *Cragun* does not include any disclosure of constructing a portion of a URL using the UCC company identifier. Accordingly, the rejection should be withdrawn.

c. Claim 48

Cragun does not anticipate independent claim 48 because *Cragun* does not receive "a uniform resource locator (URL) call to access a manufacturer site that includes information pertaining to an item of interest, wherein the URL of the manufacturer site uses a Uniform Code Council (UCC) company identifier as the domain and uses an item identifier to identify the item of interest" as recited in claim 48. For the reasons noted above, *Cragun* does not include any disclosure of using the UCC company identifier in a portion of a domain. Accordingly, the rejection should be withdrawn.

a. Claim 50

Cragun does not anticipate independent claim 50 because *Cragun* does not construct "a uniform resource locator (URL) with the UCC company identifier therein" as recited in claim 50. For the reasons noted above, *Cragun* does not include any disclosure of constructing a portion of a URL using the UCC company identifier. Accordingly, the rejection should be withdrawn.

J. *Cragun* Does Not Anticipate or Render Obvious Pending Dependent Claims 33, 34, 36, 37, 46-48, and 51-53

a. Claim 33

Claim 33 recites that "the barcode corresponds to a European Article Numbering (EAN) symbol." The Final Office Action at paragraph 33, page 9, alleges that the proposed combination of *Cragun* in view of *Nerlikar* discloses receiving "the bar code corresponds to a European Article Numbering (EAN) symbol [see Cragun, fig. 2]." *Cragun* Figure 2 does not disclose any information whatsoever regarding any type of European Article Numbering (EAN)

symbol as alleged by the Final Office Action. Further, the *Cragun* Detailed Description fails to disclose any type of EAN symbol. *Nerlikar* also fails to disclose, teach, or suggest any type of EAN symbol. Therefore, a *prima facie* case establishing an obviousness rejection by *Cragun* in view of *Nerlikar* has not been made. Thus, claim 33 is not obvious under proposed combination of *Cragun* in view of *Nerlikar* and the rejection should be withdrawn for at least this reason alone.

b. Claim 34

Claim 34 recites that "the barcode corresponds to a Japanese Article Numbering (JAN) symbol." The Final Office Action at paragraph 34, page 9, alleges that the proposed combination of *Cragun* in view of *Nerlikar* discloses receiving "the bar code corresponds to a Japanese Article Numbering (JAN) symbol [see Cragun, fig. 3]." *Cragun* Figure 3 does not disclose any information whatsoever regarding any type of JAN symbol. Further, the *Cragun* Detailed Description fails to disclose any type of JAN symbol. *Nerlikar* also fails to disclose, teach, or suggest any type of JAN symbol. Therefore, a *prima facie* case establishing an obviousness rejection by *Cragun* in view of *Nerlikar* has not been made. Thus, claim 34 is not obvious under proposed combination of *Cragun* in view of *Nerlikar* and the rejection should be withdrawn for at least this reason alone.

c. Claim 36

Claim 36 recites "appending the UCC company identifier to 'www.' to construct the 'www.UCC company identifier' portion of the URL" and "appending the UCC item identifier to '/' to construct the /'UCC item identifier' portion of the URL." The Final Office Action at paragraph 6, page 3, alleges that *Cragun* teaches that "constructing the URL from the bar code comprises: appending the company identifier to <u>www.</u> [see fig. 2, *http:wwww/language=Spanish&CNAME*] To construct the <u>*www.company identifier*</u> portion" (emphasis added) of the URL. *Cragun* does not disclose that the phrase "www/language= Spanish&CNAME" is a UCC company identifier.

Rather, *Cragun* discloses "an example of expanded form URL 230 that has embedded query fields is illustrated in FIG. 2. Processing program 110 fills in expanded form 230 with data to create data-filled form 240. As shown in the example, the ??LANGUAGE??

keyword has been replaced with the field identifier and field value "LANGUAGE=Spanish". The field values come from customer data record 108, which was loaded to client computer 102 when the customer first checked it out" (column 6, lines 45-52). Clearly, *Cragun* does not disclose that the phrase "language=Spanish&CNAME" is a UCC company identifier. Accordingly, claim 36 is not anticipated by *Cragun*, and the rejection should be withdrawn for at least this reason alone.

Additionally, the Office Action at paragraph 6, page 3, alleges *Cragun* teaches that "constructing the URL from the bar code comprises: ... appending *the item identifier* to '/' to construct the /'item identifier' portion of the URL [*http://peanut.food.com/ ??CID??&??SIP??*, col. 7, lines 27-47]" (emphasis added). *Cragun* does not disclose that the phrase "//peanut.food.com/??CID??&??SIP??" is a UCC item identifier. Accordingly, claim 36 is not anticipated by *Cragun*, and the rejection should be withdrawn for at least this reason alone.

d. Claim 37

Claim 37 recites "prepending 'www.' to the UCC company identifier to construct the www.'UCC company identifier' portion of the URL" and "prepending '/' to the UCC item identifier to construct the /'UCC item identifier' portion of the URL." The Final Office Action at paragraph 7, page 3, alleges that *Cragun* teaches that that "constructing the URL from the bar code comprises: prepending 'www.' to the *company identifier* to construct the www.'company identifier' [see Cragun col. 3, lines 58-61, *customer ID*]" (emphasis added). The recited UCC company identifier *is not* the same as the customer ID as alleged by the Office Action. Accordingly, claim 36 is not anticipated by *Cragun*, and the rejection should be withdrawn for at least this reason alone.

e. Claim 46

Claim 46 recites the feature of "receiving European Article Numbering (EAN) bar code information." The Final Office Action at paragraph 16, page 5, alleges *Cragun* discloses that receiving "the bar code information comprises: receiving EAN bar code information [see Cragun, fig. 2]." The *Cragun* Detailed Description and Figure 2 do not disclose any information

whatsoever regarding any type of European Article Numbering (EAN). Accordingly, claim 46 is not anticipated by *Cragun* for at least this reason alone, and the rejection should be withdrawn.

f. Claim 47

Claim 47 recites the feature of "receiving Japanese Article Numbering (JAN) bar code information." The Final Office Action at paragraph 17, page 5, alleges that receiving "the bar code information comprises: receiving JAN bar code information [see Cragun, fig. 3]" (emphasis added). The *Cragun* Detailed Description and Figure 3 do not disclose any information whatsoever regarding any type of Japanese Article Numbering (JAN). Accordingly, claim 47 is not anticipated by *Cragun* for at least this reason alone, and the rejection should be withdrawn.

g. Claim 48

Claim 48 recites the feature of "receiving a uniform resource locator (URL) call to access a manufacturer site that includes information pertaining to an item of interest, wherein the URL of the manufacturer site uses a Uniform Code Council (UCC) company identifier as the domain and uses an item identifier to identify the item of interest." The Final Office Action at paragraph 18, page 5, alleges that *Cragun* discloses that "the URL of the manufacturer site uses a Uniform Code Council (UCC) company identifier as the domain ... [see Cragun, http:// peanut.food.com/??CID??&??SIP??, col. 7, lines 27-47]."

However, the disclosed "peanut.food.com" is not a URL of the manufacturer site that uses a UCC company identifier *as the domain*, as recited in claim 48. Accordingly, claim 48 is not anticipated by *Cragun*, and the rejection should be withdrawn for at least this reason alone.

h. Claim 51

Claim 51 recites that "the UCC company identifier in the constructed URL is a domain name of a web site." The Final Office Action at paragraph 20, page 6, alleges that this feature is disclosed in *Cragun* Figure 3. However, *Cragun* Figure 3 only illustrates UPC 310, product name 315, unit price 320, and URL information 325 (and provides three examples for each of the three above-identified columns in Figure 3). *Cragun* does not disclose that a UCC

company identifier is used in a domain name. Accordingly, claim 51 is not anticipated by *Cragun*, and the rejection should be withdrawn for at least this reason alone.

i. Claim 52

Claim 52 recites "wherein the UCC company identifier in the constructed URL identifies a web site of a company associated with the UCC company identifier." The Final Office Action at paragraph 21, page 6, alleges that this feature is disclosed in *Cragun* Figure 3. However, *Cragun* Figure 3 only illustrates UPC 310, product name 315, unit price 320, and URL information 325 (and provides three examples for each of the three above-identified columns in Figure 3). Figure 3 does not disclose any type of UCC company identifier *in* a constructed URL. Accordingly, claim 52 is not anticipated by *Cragun*, and the rejection should be withdrawn for at least this reason alone.

j. Claim 53

Claim 53 recites "constructing the URL such that the UCC company identifier in the constructed URL identifies a location of the web site associated with the company." The Final Office Action at paragraph 22, page 6, alleges that this feature is disclosed in *Cragun* Figure 3. However, *Cragun* Figure 3 only illustrates UPC 310, product name 315, unit price 320, and URL information 325 (and provides three examples for each of the three above-identified columns in Figure 3). Figure 3 does not disclose any type of UCC company identifier *in* a constructed URL. Accordingly, claim 53 is not anticipated by *Cragun*, and the rejection should be withdrawn for at least this reason alone.

K.   Summary

For at least the reasons above, the Examiner has failed to establish a *prima facie* case of anticipation for claims 35-56 because the Examiner erred in asserting that *Cragun* teaches or enables each of the claimed elements, either expressly or inherently, as interpreted by one of ordinary skill in the art. Further, the Examiner has failed to establish a *prima facie* case of obviousness for claims 18 and 31-34 because the Examiner erred in asserting that *Cragun* teaches or enables each of the claimed elements, either expressly or inherently, as interpreted by

one of ordinary skill in the art.   Accordingly, claim 18 and 31-56 should be allowed over the rejections of the Final Office Action.

Respectfully submitted,
Seed Intellectual Property Law Group PLLC

Raymond W. Armentrout
Registration No. 45,866

RWA:cl

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

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VIII. CLAIMS APPENDIX

1.-17. (Canceled)

18.   A method of accessing data, comprising:

reading a radio frequency (RF) tag containing data corresponding to a bar code, wherein the bar code comprises a first portion corresponding to a Uniform Code Council (UCC) company identifier and a second portion corresponding to a UCC item identifier;

constructing a uniform resource locator (URL) from the data read from the RF tag corresponding to the bar code, wherein a portion of said URL comprises the UCC company identifier and the UCC item identifier;

calling the URL; and

displaying information associated with said URL, and

wherein said "company identifier" comprises a number assigned by the UCC and said "item identifier" comprises a number assigned by a manufacturer.

19.-30. (Canceled)

31.   The method of claim 18 wherein displaying information associated with said URL comprises:

displaying information of interest about an item associated with the item identifier, wherein the information of interest about the item resides in a user site accessed through the URL.

32.   The method of claim 18 wherein the barcode corresponds to a universal product code (UPC) symbol.

33.   The method of claim 18 wherein the barcode corresponds to a European Article Numbering (EAN) symbol.

34.   The method of claim 18 wherein the barcode corresponds to a Japanese Article Numbering (JAN) symbol.

35.   A method of accessing data, comprising:

receiving bar code information encoding a Uniform Code Council (UCC) company identifier and a UCC item identifier; and

constructing a uniform resource locator (URL) from the received bar code information, wherein at least a portion of the URL comprises the UCC company identifier and the UCC item identifier constructed as at least a "www" followed by at least the UCC company identifier and the UCC item identifier.

36.   The method of claim 35 wherein constructing the URL from the bar code comprises:

appending the UCC company identifier to "www." to construct the "www.UCC company identifier" portion of the URL; and

appending the UCC item identifier to "/" to construct the /"UCC item identifier" portion of the URL.

37.   The method of claim 35 wherein constructing the URL from the bar code comprises:

prepending "www." to the UCC company identifier to construct the www."UCC company identifier" portion of the URL; and

prepending "/" to the UCC item identifier to construct the /"UCC item identifier" portion of the URL.

38.   The method of claim 35, further comprising:

scanning a bar code comprising at least a first portion encoding the UCC company identifier and a second portion encoding the UCC item identifier.

39. The method of claim 35, further comprising:

linking to the URL so that a manufacturer's site is accessed; and

accessing a portion of the manufacturer's site pertaining to the identified product.

40. The method of claim 39 wherein linking to the URL comprises:

calling the URL.

41. The method of claim 39 wherein linking the URL so that a manufacturer's site is accessed comprises:

attempting to link to a plurality of sites, each site with a different domain name, until at least one of the linked sites responds so that information pertaining to the identified product is received.

42. The method of claim 41, further comprising:

constructing the ".com" portion of the URL with a domain name, wherein the domain name comprises at least one selected from a group consisting of a ".net" domain name, a ".gov" domain name and a ".org" domain name.

43. The method of claim 39, further comprising:

receiving at least information pertaining to the identified product from the accessed portion of the site pertaining to the identified product; and

displaying the information pertaining to the identified product.

44. The method of claim 35 wherein receiving the bar code information comprises:

receiving the bar code information at a point of sale.

45. The method of claim 35 wherein receiving the bar code information comprises:

receiving universal product code (UPC) bar code information.

46. The method of claim 35 wherein receiving the bar code information comprises:

receiving European Article Numbering (EAN) bar code information.

47. The method of claim 35 wherein receiving the bar code information comprises:

receiving Japanese Article Numbering (JAN) bar code information.

48. A method of accessing data, comprising:

receiving a uniform resource locator (URL) call to access a manufacturer site that includes information pertaining to an item of interest, wherein the URL of the manufacturer site uses a Uniform Code Council (UCC) company identifier as the domain and uses an item identifier to identify the item of interest; and

returning the information of interest to a site that initiated the URL call.

49. The method of claim 48 wherein the URL corresponds to a bar code with a UCC company identifier and an item identifier.

50. A method of accessing data, comprising:

receiving bar code information with at least a Uniform Code Council (UCC) company identifier and an item identifier;

determining the UCC company identifier from the bar code information; and

constructing a uniform resource locator (URL) with the UCC company identifier therein.

51. The method of claim 50 wherein the UCC company identifier in the constructed URL is a domain name of a web site.

52. The method of claim 50 wherein the UCC company identifier in the constructed URL identifies a web site of a company associated with the UCC company identifier.

53. The method of claim 50 wherein constructing the URL having the UCC company identifier therein comprises:

constructing the URL to identify a web site; and

constructing the URL such that the UCC company identifier in the constructed URL identifies a location of the web site associated with the company.

54. The method of claim 50, further comprising:

determining the item identifier from the bar code information; and

constructing the URL with the item identifier therein, wherein the item identifier in the constructed URL identifies a location of the web site describing the product associated with the item identifier.

55. The method of claim 54 wherein the item identifier is assigned by the company.

56. The method of claim 55 wherein the item identifier assigned by the company is a UCC item identifier.

IX.   <u>EVIDENCE APPENDIX</u>

        None.

X.   <u>RELATED PROCEEDINGS APPENDIX</u>

        None.